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**STATEMENT OF ROBERT J. HALSTEAD ON BEHALF OF  
THE STATE OF NEVADA AGENCY FOR NUCLEAR PROJECTS  
REGARDING U.S. DEPARTMENT OF ENERGY'S DRAFT ENVIRONMENTAL  
IMPACT STATEMENT FOR A GEOLOGIC REPOSITORY FOR THE  
DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE  
WASTE AT YUCCA MOUNTAIN, NEVADA**

**PRESENTED AT THE PUBLIC HEARING IN  
AUSTIN, NEVADA  
DECEMBER 7, 1999**

Austin, NV 12/7/99  
Exhibit 1-1a

Transportation of spent nuclear fuel (SNF) and high-level radioactive waste (HLW) is inherently risky business. At previous hearings, our preliminary transportation comments have addressed specific deficiencies in DOE's Draft Environmental Impact Statement (DEIS) regarding the radiological hazards of the SNF and HLW that DOE proposes to ship to Yucca Mountain, the shipment modes and routes, the risks associated with legal weight truck (LWT) transport, the vulnerability of shipments to human initiated events including terrorism and sabotage, and DOE's failure to demonstrate the feasibility of heavy haul truck (HHT) transportation from an intermodal transfer station to the proposed repository. These statements are available on the web at [www.state.nv.us/nucwaste](http://www.state.nv.us/nucwaste). At upcoming hearings we will address radiological health effects of routine transportation, radiological consequences of severe accidents, impacts of rail construction and operation, impacts on Native American lands and cultural resources, and social and economic impacts of public perception of transportation risks.

Today our focus is on DOE's failure to identify a preferred rail access corridor to Yucca Mountain in the DEIS. The Yucca Mountain site has no access to the national rail system. The nearest railroad is in Las Vegas, almost one hundred miles away. The DEIS identifies and describes four potential corridors, one-quarter mile in width, which DOE could use to construct a rail line connecting Yucca Mountain to the Union Pacific mainline in southern Nevada: Valley Modified (98 miles), Jean (112 miles), Caliente-Chalk Mountain (214 miles), and Caliente (319 miles). [The DEIS designates the Caliente-Chalk Mountain corridor as a "non-preferred alternative."] A fifth potential corridor, Carlin (323 miles) would connect Yucca Mountain with the Union Pacific mainline in north central Nevada.

The DEIS fails to identify a preferred rail corridor, and sets forth no timetable for selection of a preferred rail corridor, despite DOE's assertion that the information presented is sufficient to select a preferred corridor. The DEIS states: "Although it is uncertain at this time when DOE would make any transportation-related decisions, DOE believes that the EIS provides the information necessary to make decisions regarding the basic approaches (for example, mostly rail or mostly truck shipments), as well as the choice among alternative transportation corridors." [p. 6-1] Referring specifically to the selection of "implementing alternatives," such as "alternative rail corridors in Nevada," the DEIS states: "If and when it is appropriate to make such decisions, DOE believes that the

EIS provides the information necessary to make these decisions." [p. 6-2] According to the DEIS, additional information, analyses, and consultations would be required "for selection of a specific rail alignment within a corridor." [p. 6-1]

DOE's failure to designate a preferred rail access corridor in the DEIS violates the National Environmental Policy Act (NEPA). NEPA procedures are designed to "*insure that environmental information [including information on the human environment as well as public health and safety] is available to public officials and citizens before decisions are made and before actions are taken.*" DOE's approach denies the affected public a meaningful opportunity to participate in the rail corridor evaluation process before DOE prepares the Final EIS.

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Moreover, DOE's refusal to narrow the choice of corridors extends the region of influence of the proposed action to thirteen Nevada counties traversed by the five rail corridors and their existing mainline rail connections. Virtually the entire population of Nevada will be held hostage by DOE's indecision. Coupled with the absence of a timetable, the resulting uncertainty, in and of itself, will cause adverse socioeconomic impacts for individuals, businesses, and communities.

During the scoping process in December, 1995, the State of Nevada recommended the following process to DOE: "The Draft EIS must present a technically credible methodology for comparative evaluation of rail spur route options. The State of Nevada believes that DOE should fully evaluate at least three feasible rail spur routes before selecting a preferred route." Nevada also recommended specific criteria for the DEIS comparative route evaluation: impacts on public health and safety; impacts on highly populated areas; engineering feasibility; impacts on surface and groundwater resources, threatened and endangered species, and federal and state parks and refuges; cost of construction, recognizing that predictability of costs may be as important as least cost in ranking alternatives; avoidance of private lands, and potential for voluntary acquisition of private lands where necessary; impacts on Native American lands and cultural resources; potential conflicts with U.S. Air Force facilities and operations; and economic development costs and opportunities, addressing both standard and special (risk-induced) socioeconomic impacts.

The DEIS does not reveal the process DOE plans to use in selecting a preferred rail corridor. The baseline information provided in Chapter 3, and the impact analysis provided in Chapter 6 and Appendix J, are particularly deficient regarding impacts on highly populated areas; engineering feasibility; construction costs, and cost uncertainties; potential for voluntary acquisition of private lands; impacts on Native American lands and cultural resources; and economic development costs and opportunities, including risk-induced socioeconomic impacts.

1 continued In conclusion, the State of Nevada believes that DOE's refusal to identify a preferred rail corridor in the DEIS makes a legally sufficient assessment of rail transportation risks and impacts impossible. \_\_\_\_\_